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CIVIL ACTION NO. 9:18cv82

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## ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Larry M. Mayfield, proceeding *pro se*, filed the above-styled civil rights lawsuit. The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, for consideration pursuant to applicable orders of this court. The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge recommending that this case be dismissed.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. No objections to the Report and Recommendation were filed by the parties.

This court was notified in another pending civil rights lawsuit filed by plaintiff that plaintiff passed away on April 21, 2018. Suggestion of Death, 9:15cv80 (docket entry no. 20). The Suggestion of Death was filed on May 8, 2018 and more than 90 days have passed since its filing. No motion for substitution has been filed. Pursuant to Federal Rule of Civil Procedure 25(a)(1), this complaint should be dismissed.

## ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A final judgment shall be entered dismissing this lawsuit.

**So ORDERED and SIGNED February 2, 2019.**

Tom Clark

Ron Clark, Senior District Judge